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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,884	07/17/2003	Michael William Landry	9231	3080
24244	7590	03/21/2006	EXAMINER	
MICHAEL W LANDRY 5098 SEACHASE STREET SAN DIEGO, CA 92130			LEE, MICHAEL	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/621,884	LANDRY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	M. Lee	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talmola et al. (2002/0038459) in view of Margulis (6,263,503).

Regarding claim 1, Talmola discloses a local wireless broadband data distribution system showing a remote control receiver 420 for inherently receiving channel selection signals, which meets the remote control interface as claimed, a receiver 402, which meets the at least one tuner as claimed, a demodulator 402, which meets the digital demodulator as claimed, a MPEG demultiplexer (paragraphs 0032 and 0037), an MPEG encoder 415, a remultiplexer 405, which meets the selector as claimed, a modulator 407 and transmitter 408, a receiver (502), and an MPEG demultiplexer 503). But Talmola does not specify that the MPEG encoder 415 is connected to the output of the receiver 402 (tuner) as claimed. Despite of the difference, the MPEG encoder 415 is intended to convert conventional analog video signals into digital MPEG format. Margulis, from the similar field of endeavor, teaches a tuner 626 for receiving both analog and digital television signals. Margulis further shows an ADC 612 for converting the analog television signal into digital signal. The converted signal enables the subsystem processor 518 to process the data in full digital mode. As

a result, the end viewer can selectively watch both analog and digital television channels provided by the server. Since the received signal 401 in Talmola includes both analog and digital television signal, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace the receiver 402 of Talmola with the tuner 626 of Margulis and have the analog output of the tuner provided to the analogue video input 403 of Talmola to perform the well known functions as claimed.

Regarding claim 2, see scrambler 406 and descrambler 504.

Regarding claim 3, see paragraph 0032, last three lines. It should be noted that the remote controller 421 could be located at the receiving end.

Regarding claim 4, see conditional access unit 504.

Regarding claim 5, Talmola does not specify the digital lock detector, the analog lock detector, and the control logic circuitry as claimed. The examiner takes Official Notice that using digital and analog lock signals to generate a control signal for a selector is well known in the art because the lock signals enable the selector to select television channels that only have acceptable signal presence. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a digital lock detector, an analog lock detector, and a control logic circuitry into Talmola so that only channels that have television signal presence could be selected.

Regarding claim 6, Talmola does not specify the programmable transmit power level circuit as claimed. The examiner takes Official Notice that such circuit is well known in the art because it enables the user to increase the transmitter's transmission

power when a weak reception is noticed. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a programmable transmit power level circuit into Talmola so that the transmitter power could be increased by the user as desired.

Regarding claims 7-14, please see the corresponding rejection as set forth above for claims 1-6.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 3, 6, 10, 11, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2, 6, 10, and 14, "the transmitting unit" lacks proper antecedent basis.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz, can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.  
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



M. Lee  
Primary Examiner  
Art Unit 2614